IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 5749 of 2006(H)

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PETITIONER:

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THE KERALA CIVIL AVIATION GENERAL \
WORKERS CO-OPERATIVE SOCIETY LTD. NO. T.707,
THIRUVANANTHAPURAM 8, REPRESENTED BY ITS
SECRETARY.

BY ADV. SRI.P.BABU KUMAR

RESPONDENTS:

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1. THE UNION OF INDIA, REP. BY THE
SECRETARY TO CIVIL AVIATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGIONAL MANAGER, M/S.AIR INDIA,
MATERIAL MANAGEMENT DEPARTMENT, OLD AIRPORT,
KALINA SANTHACRUZ, MUMBAI 29,.

3. THE CHIEF OPERATING OFFICER,
AIATSL DIRECTOR GENERAL SERVICE, C.S.I. AIRPORT,
TERMINAL 11, MUMBAI 400 099.

4. THE DIRECTOR, GROUND SERVICE DEPARTMENT,
AIR INDIA SAHAR, MUMBAI 500 099.

R2 TO 4 BY ADV. SRI.JOSEPH MARKOSE
SRI.JOSEPH KODIANTHARA
SRI.MITHUN MARKOS
R1 BY SRI.M.L.SURESH KUMAR, CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF THE BY-LAW OF DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL), TRIVANDRUM DGT.22.5.1978.

P2: TRUE CPHOTOCOPY OF REPRESENTATION SUBMITTED BY PETITIONER BEFORE R2 DT.6.9.2005.

P3: TRUE PHOTOCOPY OF PAPER REPORT APPEARED IN MALAYALA MANORAMA DT.1.2.2006.

P4: TRUE COPY OF THE TENDER DOCUMENT DT.30.1.06.
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P5: TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONER BEFORE R3 DT.14.2.2006.

P6: TRUE PHOTOCOPY OF LETTER OF INTENT ISSUED BY R4 DT.9.5.2006.

P7: TRUE PHOTOCOPY OF TENDER NOTICE APPEARED IN HINDU DAILY DT.17.7.2006.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.5749 of 2006

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Dated this the 31st day of January, 2007.

JUDGMENT

The W.P. was filed for direction to Air India to permit the petitioner to participate in the award of labour contract for cargo handling in the Airport. Counsel for Air India submitted that even though petitioner was permitted to participate in the tender under court orders, they were not pre-qualified for the reason that they did not have Rs.20 lakhs' turnover in similar work. Even though I am not convinced about the basis for the experience for award of the work, I do not think any adjudication is called for in this case because contract is already awarded to another party and they are in work from May 2006 onwards. In the circumstances, W.P. is closed leaving open petitioner's right to challenge the relevance of qualification prescribed in future tenders.

C.N.RAMACHANDRAN NAIR
Judge

pms